

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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| JESSE POLANSKY M.D., M.P.H., et al. v. EXECUTIVE HEALTH RESOURCES, INC., et al. | CIVIL ACTION NO. 12-4239 |
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ORDER

AND NOW this 13th day of March, 2018, in connection with Relator's Motion to require EHR to replace its Phase I bellwether selections (ECF 182), and the discovery which the Court ordered at the hearing on November 6, 2017, it is hereby **ORDERED**:

1. The parties shall advise the Court by correspondence limited to one page, whether privilege logs have been exchanged and how much time each party may require to supplement the privilege log as a result of the foregoing Memorandum. The privilege log will contain, in addition to a list of any allegedly privileged documents, those verbal communications between employees and counsel of Defendant relating to the selection procedures, as to which Defendant claims privilege.

2. Thereafter, the Court will promptly enter an appropriate order setting a deadline for completion of privilege logs and additional time for any motions relating to the privilege log served by the opposing party, and extension of the pretrial schedule.

3. The Court will then require Defendant to produce a 30(b)(6) witness within a certain time frame which the parties may suggest, to answer questions on the selection process, with an exception only for specific privileged communications listed on the privilege log consistent with the foregoing Memorandum.

4. The Court encourages counsel to attempt to agree on a proposed schedule pursuant to this Order.

5. Counsel for Defendant shall file a Memorandum to show cause why attorneys' fees and expenses should not be ordered pursuant to Fed. R. Civ. P. 30(d)(2), for improper instructions not to answer at the 30(b)(6) deposition, within fourteen (14) days. Plaintiff may reply within seven (7) days.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON
United States District Court Judge

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